

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANDRES GARCIA,

Plaintiff,

vs.

No. 1:08-cv-00279-PJK-WDS

GARY TAFOYA, PETE CAMACHO,
STEVE BARELA, WILL PRATER,
KELLEY JO PARKER, GERARD
HYATT, FNU LNU, RICHARD VON
ANCKEN, JACQUIE MONCLOVA,
SUE CLEVELAND, MARINA
ESTRADA, ALEX BOLDEN, JOHN
DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, and JOHN DOE 5 in their
individual capacities, and the CITY OF
RIO RANCHO, CHILDREN YOUTH
AND FAMILIES DEPARTMENT,
JUVENILE PROBATION
DEPARTMENT, BOARD OF
EDUCATION OF RIO RANCHO
SCHOOL DISTRICT, RIO RANCHO
SCHOOL DISTRICT, BOARD OF
COUNTY COMMISSIONERS OF
BERNALILLO COUNTY,

Defendants.

ORDER

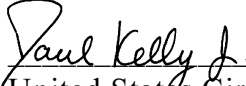
THIS MATTER comes on for consideration of the Unopposed Motion to Extend Pretrial Deadlines and to Vacate Settlement Conference filed June 8, 2010 (Doc. 198). Upon consideration thereof, the motion is granted in part and denied in part.

The court lifted the stay of discovery on November 5, 2010. Doc. 169. Thereafter, on January 6, 2010, the magistrate judge entered the scheduling order which provides in pertinent part that “the termination date for discovery is June 7, 2010, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause.” Doc. 182 at 1. One day after the discovery period expired, the instant motion was filed seeking a two-month extension of various deadlines on the grounds that “a number of scheduled depositions had to be postponed” due to the number of depositions, an illness of one attorney, and the non-availability of an unspecified number of witnesses. Doc. 198 at 1. Though the motion to extend the pretrial deadlines is unopposed, the “good cause” standard for reopening discovery and extending deadlines for motions has not been met, particularly given the amount of time that this case has been pending. See Fed. R. Civ. P. 16(b)(4) (requiring “good cause” to amend pretrial deadlines); Bradford v. DANA Corp., 249 F.3d 807, 809 (8th Cir. 2001) (movant must make a showing of diligence in attempting to meet existing deadlines; that is the “primary measure” of Rule 16's “good cause” standard). The motion to extend these pretrial deadlines is denied.

The court will vacate the June 22, 2010 settlement conference conditionally upon the private mediation occurring on July 6, 2010, as recited in the motion. Doc. 198 at 2.

IT IS SO ORDERED.

DATED this 9th day of June 2010, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation